

The Institute of Residential Property Management (IRPM)

Independent Adjudication Service

Scheme Rules

(2 December 2022 edition)

These rules apply to application forms received by CEDR on or after 2 December 2022 and should be read in conjunction with any guidance documentation that can be found at www.cedr.com/consumer/irpm/.

1. General

1.1 The Institute of Residential Property Management (IRPM) Independent Adjudication Service (“the Scheme”) is administered by Centre for Effective Dispute Resolution (“CEDR”). The Scheme provides an informal and independent way of adjudicating complaints made against Professional Members (IRPM class) of The Property Institute (“the IRPM Member”) by a Complainant by way of a non-binding adjudication process (“the Adjudication”).

1.2 A Complainant is:

1.2.1 A member of the public; or

1.2.2 IRPM and/or The Property Institute; or

1.2.3 A member of IRPM that is not the subject of the complaint against the IRPM Member.

1.3 The Adjudication will be undertaken by an independent adjudicator (“the Adjudicator”) appointed by CEDR from its Adjudication Panel (“the Panel”) that it maintains for these purposes.

1.4 Use of the Scheme is mandatory for IRPM Members where an eligible application has been made to the Scheme by a Complainant.

1.5 The Adjudicator appointed under these Scheme Rules (“the Scheme Rules”)

will make a decision on the complaint by considering the information received from the Complainant and from the IRPM Member. This decision will be either to make one or more recommendations that The Property Institute IRPM Complaints Committee (Professional Members) (“the Complaints Committee”) take action in relation to the IRPM Member or to make no recommendation. The recommendations the Adjudicator can make are limited to:

- 1.5.1 A letter of apology;
 - 1.5.2 Training to be undertaken by the IRPM Member;
 - 1.5.3 That the IRPM Member is suspended from IRPM for a specified period of time;
 - 1.5.4 That the IRPM Member is expelled from IRPM.
- 1.6 Any decision of the Adjudicator is non-binding. The Complaints Committee shall have the discretion to action any or none of the recommendations made by the Adjudicator.
- 1.7 The use of the Scheme is free of charge to Complainants and IRPM Members.
- 1.8 Applications to the Scheme will be accepted from Complainants or their nominated representatives. If a Complainant wishes to nominate a representative to act on their behalf, the Complainant must provide signed authority with their application to the Scheme confirming that they agree to the representative acting on their behalf.
- 1.9 Any decision made by the Adjudicator appointed under the Scheme Rules applies only to the specific complaint referred. Under no circumstances does a decision made by the Adjudicator set a precedent.

2. Scope of the Scheme

- 2.1 The Scheme can be used to adjudicate complaints made against an IRPM Member by a Complainant defined under Rule 1.2 where the Complainant alleges that the IRPM Member has breached or is in breach of the IRPM

Code of Conduct (“the Code”).

- 2.2 The Scheme cannot be used to adjudicate a complaint that falls into one or more of the following categories:
- 2.2.1 Where the requirements of Rule 2.1 are not satisfied at the time the Complainant applies to the Scheme;
 - 2.2.2 Where the most recent alleged incident to which the complaint relates occurred more than 24 months prior to the date on which the Complainant applies to the Scheme as set out in Rule 2.1.4, unless TPI gives CEDR express written instructions to accept the complaint on the Scheme (this time limit does not apply if the complaint relates to a criminal offence);
 - 2.2.3 For an IRPM Member that has recently been granted membership status by IRPM, the most recent alleged incident to which the complaint relates occurred prior to the date on which the IRPM Member was granted membership status by IRPM (this does not apply if the complaint relates to a criminal offence);
 - 2.2.4 Where the complaint would be more appropriately dealt with in accordance with the Association of Residential Managing Agents (ARMA – now part of the Property Institute) [Complaints Guidance](#);
 - 2.2.5 Complaints that are frivolous and/or vexatious;
 - 2.2.6 Where dealing with such a type of complaint would seriously impair the effective operation of CEDR.
- 2.3 If the complaint falls into one or more of the categories identified at Rule 2.2, the complaint will be withdrawn from the Scheme.

3. Applying to use the Scheme

- 3.1 To apply to use the Scheme, the Complainant must complete and send the appropriate application form to CEDR. If the Complainant requires any special assistance with their application they can contact CEDR and reasonable adjustments will be made in line with the CEDR reasonable adjustments policy, which can be found on the CEDR website at

www.cedr.com.

- 3.2 When submitting an application form, the Complainant must provide the following:
- 3.2.1 A description of the precise issues that form the nature of the complaint about the IRPM Member;
 - 3.2.2 A description of the precise conduct by the IRPM Member that the Complainant believes to be a breach of the Code;
 - 3.2.3 Any supporting documents on which the Complainant wishes to rely.
- 3.3 The Complainant is encouraged to clarify the complaint in as much detail as possible.

4. The adjudication procedure

4.1 The Application

- 4.1.1 When an application form meeting the requirements set out in Rule 2 is received by CEDR, CEDR will send to the Complainant confirmation of receipt along with a case reference number. Both the Complainant and the IRPM Member must quote this case reference number in all correspondence with CEDR regarding the case.
- 4.1.2 CEDR will endeavour to make an initial assessment within five working days as to whether or not the complaint falls within the scope of the Scheme. This assessment will be made by reference to Rule 2.
- 4.1.3 If CEDR considers the application to be valid, it will notify the IRPM Member by sending an electronic copy of the Complainant's application form, the case reference number and any supporting documents ("the notification").
- 4.1.4 Once the notification is deemed to have been received by the IRPM Member, it has 15 working days in which to either:
- 4.1.4.1 Object to CEDR dealing with the complaint if it considers the complaint to be entirely outside the scope of the Scheme; or
 - 4.1.4.2 Send CEDR its written response to the Complainant's

complaint (CEDR may, at its own discretion, grant the IRPM Member an extension of the deadline for providing a response).

4.2 Objections to eligibility

- 4.2.1 Within the timescale at Rule 4.1.4, the IRPM Member can object to CEDR dealing with the complaint if it considers the complaint to be outside the scope of the Scheme.
- 4.2.2 In making an objection, the IRPM Member must contact CEDR and specify one or more reasons under Rule 2.2 as to why the complaint is outside the scope of the Scheme.
- 4.2.3 CEDR will examine the IRPM Member's objection and decide whether or not the objection is upheld. CEDR will endeavour to communicate this decision to the parties within five working days of the objection being received by CEDR.
- 4.2.4 When an objection is made by the IRPM Member, the timescale at Rule 4.1.4 will be put on hold until the outcome of the objection is communicated to the parties by CEDR.
- 4.2.5 If the IRPM Member's objection is not upheld by CEDR, the case will remain active. The Adjudicator who is subsequently appointed to adjudicate the complaint will be provided with all objection correspondence.
- 4.2.6 If the IRPM Member's objection is upheld, CEDR will write to the Complainant to advise them of this and the reasons given for the objection. The Complainant will then have a period of 10 working days to contact CEDR and provide evidence as to why the case is valid. Upon receipt of the Complainant's response, CEDR will decide whether or not to reinstate the case within five working days.
- 4.2.7 In the event that the Complainant responds to CEDR within 10 working days after receipt of correspondence from CEDR regarding the objection being upheld, and CEDR decides that the case falls within the scope of the Scheme, the case will continue and the IRPM Member will be given 15 working days to make a further objection or to file a response.

4.2.8 If the Complainant makes no contact with CEDR within 10 working days of the IRPM Member's objection being upheld, or CEDR does not consider that the case falls within the scope of the Scheme following receipt of the Complainant's response, the case will be withdrawn from the Scheme.

4.3 The Response

4.3.1 When CEDR receives the IRPM Member's response, a copy of it will be sent to the Complainant.

4.3.2 If the IRPM Member does not submit a response to CEDR within the time allowed, the Adjudicator will have the discretion to proceed to make a decision considering only the information provided by the Complainant.

4.3.3 The Complainant has a period of five working days from the date on which the IRPM Member's response is sent to them to provide any comments that they see fit. The Complainant is not required to submit comments on the IRPM Member's response. Any comments that are submitted must be restricted only to points raised in the IRPM Member's response and must not introduce any new matters. Any new matters submitted by the Complainant at this stage will be disregarded by the Adjudicator.

4.3.4 If the Complainant makes any comments on the IRPM Member's response, a copy of those comments will be sent to the IRPM Member for their information only.

4.3.5 Any further comments that are received from the Complainant or the IRPM Member beyond the timescale above will be sent to the Adjudicator, who has the sole discretion as to whether or not to take them into account. If the Adjudicator agrees to take such further comments into account, a copy of those comments will be shared with the other party to the case for their information only.

4.4 The Decision

4.4.1 The Adjudicator appointed under these Scheme Rules will make a decision by considering the submissions and evidence received from

the Complainant and the IRPM Member. CEDR aims for decisions to be issued within 20 working days of receipt of the parties' submissions and evidence in accordance with the above Scheme Rules. In exceptional circumstances this period may be extended.

- 4.4.2 The Adjudicator's decision will be set out in writing and will be sent to the Complaints Committee by CEDR. The Adjudicator's decision will not be sent to the parties. The Complaints Committee will consider the Adjudicator's decision and will decide whether or not to action any of the recommendation(s) made ("the Outcome"). The Complaints Committee will then provide a summary of the Outcome to CEDR, which will be communicated to the parties.
- 4.4.3 The implementation of any recommendation(s) made by the Adjudicator in the decision will be at the sole discretion of the Complaints Committee.
- 4.4.4 The Outcome cannot be reviewed or appealed under any circumstances. CEDR is unable to enforce compliance with the Outcome. CEDR is also unable to apply further sanctions to the IRPM Member for failing to comply with the Outcome. The Complaints Committee retains sole discretion to determine whether or not the Outcome has been complied with by the IRPM Member.

5. Powers of the Adjudicator

- 5.1 The Adjudicator will be fair and unbiased at all times, and will act as quickly and efficiently as practicable.
- 5.2 The Adjudicator has the power to do any of the following:
 - 5.2.1 Change any of the time limits set out in these Scheme Rules;
 - 5.2.2 Request further evidence or documents from the Complainant or the IRPM Member, and set time limits in which the Complainant and the IRPM Member must provide such evidence or documents;
 - 5.2.3 Proceed with the Adjudication if either the Complainant or the IRPM Member does not keep to these Scheme Rules or any instruction or direction made pursuant to these Scheme Rules;

- 5.2.4 Receive and take account of any evidence the Adjudicator thinks is relevant (but the Adjudicator must tell the Complainant and the IRPM Member about such evidence and allow them to provide comments);
 - 5.2.5 End the Adjudication if, in the Adjudicator's opinion, the entirety of the complaint falls outside the scope of the Scheme (there is no appeal to this).
- 5.3 If the Adjudicator finds that the IRPM Member has breached the Code, they can recommend one or more of the following:
- 5.3.1 A letter of apology;
 - 5.3.2 Training to be undertaken by the IRPM Member;
 - 5.3.3 That the IRPM Member is suspended from IRPM for a specified period of time;
 - 5.3.4 That the IRPM Member is expelled from IRPM.

6. Costs

- 6.1 The use of the Scheme is free of charge to Complainants and IRPM Members.
- 6.2 Neither the Complainant nor the IRPM Member is obliged to use legal representation, although either party is free to do so if they wish.
- 6.3 The Complainant and the IRPM Member must pay their own costs of preparing their cases. By using the Scheme, each party agrees not to take any legal action against the other to recover such costs.

7. Confidentiality

- 7.1 No party involved in the Adjudication will give details of the Adjudication or the Outcome to any person or organisation not directly involved in the Adjudication.

- 7.2 By using the Scheme, the parties agree that CEDR may gather, retain and

publish statistics and other information in relation to cases.

- 7.3 The General Data Protection Regulation (GDPR) applies to the Scheme, and all data submitted to CEDR with regard to cases may be shared with IRPM, including all personal data.
- 7.4 By using the Scheme, the Complainant gives consent for any relevant personal data held by the IRPM Member to be shared with CEDR and the Adjudicator for the purposes of the Adjudication.

8. Other rules

- 8.1 CEDR will appoint a substitute Adjudicator from the Panel if the Adjudicator originally appointed is unable to deal with the complaint for any reason. CEDR will inform the parties if such an appointment is made.
- 8.2 Neither CEDR nor the Adjudicator will be obliged to enter into correspondence relating to any decision or Outcome.
- 8.3 If the Complainant or the IRPM Member has a complaint about the quality of service provided in the course of the administration of a case, the complaint should be made through CEDR's published complaints procedure, copies of which are available on the CEDR website. The complaints procedure cannot be used to challenge the Outcome, the decision process adopted by the Adjudicator, or the content of these Scheme Rules.
- 8.4 The Scheme, including these Scheme Rules, may be updated from time to time. Complaints will be adjudicated according to the Scheme Rules in force at the time the Complainant applies to use the Scheme.